

MAR 28 2002  
PATENT & TRADEMARK OFFICE


ORIGINALY FILED

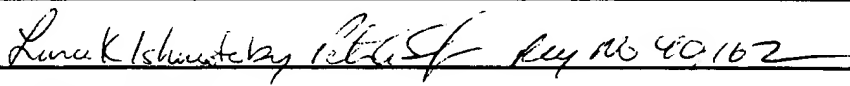
Approval for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

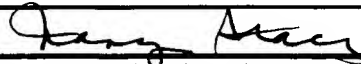
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Applicati n Number	09/714,882	
	Filing Dat	Nov 16, 2000	
	First Named Inv nt r	Turner, Jr., C. Alexander	
	Group Art Unit	1645	
	Examiner Name	To Be Assigned	
Total Number of Pages in This Submission	4	Attorney Docket Number	LEX-0091-USA

RECEIVED  
APR 01 2002  
TECH CENTER 1800/2900

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply (Restriction) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return postcard
<div>Remarks</div> <div> <b>24231</b> PATENT TRADEMARK OFFICE</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Lance K. Ishimoto Reg. No. 41,866 Lexicon Genetics Incorporated
Signature	
Date	February 27, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: February 27, 2002			
Typed or printed name	Nancy Stacey		
Signature		Date	February 27, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents. Washington, DC 20231.



ORIGINAL PAPERS  
ORIGINALLY FILED

04-03-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): *Turner et al.*

Group Art Unit: 1646

Application No.: 09/714,882

Examiner: O'Hara, E.B.

Filed: November 16, 2000

Attorney Docket No.:

LEX-0091-USA

Title: Novel Human *Notch* Ligand Proteins  
and Polynucleotides Encoding the Same

RECEIVED  
APR 01 2002  
TECH CENTER 1600/2900

**RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Examiner is respectfully requested to accept the following response to the Restriction and Election Requirement mailed January 30, 2002 (Paper No. 8), to consider the remarks therein.

**Restriction Requirement**

The Examiner has determined that the original claims are directed to five separate and distinct inventions under 35 U.S.C. § 121, as follows:

- Group I: Claims 1 and 2, said to be drawn to nucleic acid molecules comprising SEQ ID NO:1 encoding the amino acid sequence of SEQ ID NO:2, classified in class 536, subclass 23.5.
- Group II: Claim 3, said to be drawn to nucleic acid molecules encoding the amino acid sequence of SEQ ID NO:4, classified in class 536, subclass 23.5.
- Group III: Claim 4, said to be drawn to nucleic acid molecules encoding the amino acid sequence of SEQ ID NO:6, classified in class 536, subclass 23.5.

Group IV: Claim 5, said to be drawn to nucleic acid molecules encoding the amino acid sequence of SEQ ID NO:8, classified in class 536, subclass 23.5.

Group V: Claim 6, said to be drawn to nucleic acid molecules encoding the amino acid sequence of SEQ ID NO:10, classified in class 536, subclass 23.5.

### **Response to Restriction and Election Requirement**

In response to the Restriction Requirement mailed January 30, 2002 (Paper No. 8), Applicants elect with traverse to prosecute the claims of Group I, comprising Claims 1 and 2, said to be drawn to nucleic acid molecules comprising SEQ ID NO:1 encoding the amino acid sequence of SEQ ID NO:2, classified in class 536, subclass 23.5. Applicants reserve the right to refile claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

Applicants' traverse is respectfully based on the fact that the nucleic acid sequences described (and the amino acid sequences encoded by them) represent splice variants encoded by a single genetic locus. All of the claims in the present invention read on splice variants of a novel human notch protein. One skilled in the art would therefore agree that the sequences share a common utility as well as substantial structural features. In addition, by searching SEQ ID NO:1 (and the amino acid sequence it encodes, SEQ ID NO:2), the Examiner will have effectively searched all of the nucleic acid sequences of the present invention, as nucleic acid sequences of SEQ ID NOS: 3, 5, 7 and 9 are all contained within the nucleic acid sequence of SEQ ID NO:1 and therefore it is Applicants' position that such a search, involving only a single nucleic acid sequence and the amino acid sequence encoded by it, does not represent an undue burden. Applicants believe that SEQ ID NOS: 1, 3, 5, 7 and 9 are more properly viewed as species and thus Applicants further elect the species of SEQ ID NO: 1 for initial examination on the merits. Elected Claims 1 and 2 read on the elected species. Applicants understand their species election is being made solely to expedite examination of the application, and that they are entitled to consideration of additional species upon allowance of a generic claim.

Although Applicants believe that no additional fees are due in connection with this response, the Commissioner is authorized to charge any underpayment or credit any overpayment required with this response to Deposit Account No. 50-0892.

### Conclusion

The present document is a complete response to the Restriction and Species Election Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should the Examiner have any questions or comments a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

02/27/02  
Date

*Lance K. Ishimoto by [Signature]*  
Lance K. Ishimoto Reg. No. 41,866

LEXICON GENETICS INCORPORATED  
(281) 863-3333



24231

PATENT TRADEMARK OFFICE